

For The Southern District of New York

Ahmed Ghaitani,
Defendant-- Petitioner,

MEMO ENDORSED

United States of America,
Plaintiff--Respondent.

Civil No. #

3 Crime No. 198-CR-01023-LAK-9

(Pro se) Motion Pursuant To Rule 60(b)(4)(G) & (d)(3)
In further Conjunction with Recent Supreme Court
Decision In Davis (June 24, 2019)

The Petitioner respectfully moves this court to take judicial notice that he has a jurisdictional defect issue & A Supreme Court decision in Davis, 139 S.Ct. 2319 (2019), issue because "Conspiracy" is no longer considered by all Circuits not a Crime OF Violence, even in the Second Circuit, it apply to him.

Therefore, "Jurisdictional Defects" are never waived and can be raised at any stage of the proceedings; And, the Davis issue has an one ^{year} Statute of Limitation window that end on the 24th, June 2020. Petitioner filed his Davis issue in a timely manner using the Supreme Court Mailbox rule dated June 23, 2020.

The Petitioner further filed an "Accompanied Motion For A Sixty (60) days Extension OF Time TO File A Rule 15(a) or(c) motion To "Clarify, Amend and or Supplement" both issues he raised herein.

SO ORDERED

LEWIS A. KAPLAN, USDJ

12/21/2020